



REPLY TO
ATTENTION OF

DEPARTMENT OF DEFENSE
UNITED STATES SOUTHERN COMMAND
3511 NW 91ST AVENUE
MIAMI, FL 33172-1217

***SC Regulation 27-1**

15 November 2000

Effective Upon Receipt

Legal Services

FOREIGN CRIMINAL JURISDICTION OVER U.S. PERSONNEL

1. PURPOSE. To prescribe policies and procedures within the Area of Responsibility (AOR) of Headquarters U.S. Southern Command, relating to the exercise of criminal jurisdiction by foreign governments over U.S. military personnel, Department of Defense ("DOD") civilians, and the dependents of both, and to implement pertinent directives and joint service regulations.

2. REFERENCES.

a. DOD Directive 5525.1, Status of Forces Policies and Information, 7 Aug 79 (Administrative Reissuance Incorporating Through Change 2, 2 Jul 97).

b. AR 27-50/SECNAVINST 5820.4G, Status of Forces Policies, Procedures, and Information, 14 Jan 90.

c. Section P, Volume 1, Defense Intelligence Agency Manual, Subj: Foreign Criminal Jurisdiction – Duties of Defense Attaché as Designated Commanding Officer (DCO).

d. SC Reg 10-6, Relationship of the United States Defense Representative with Department of Defense Agencies In-Country, 14 Jan 85.

3. POLICY.

a. This directive implements this command's policies and procedures provided for in the above references.

b. A basic policy of this command is that U.S. jurisdiction over U.S. personnel will be maximized. Consequently, the policies and procedures set forth in the references do not preclude a request for waiver of jurisdiction in any case in which the action is considered appropriate by the Designated Commanding Officer (para 4).

*This regulation supersedes SC Reg 27-1, Dated 20 Jan 1994

4. RESPONSIBILITY.

a. Designated Commanding Officer. The Commander, United States Army South (CG USARSO) is appointed Designated Commanding Officer (DCO) for all matters relating to foreign criminal jurisdiction over U.S. personnel by foreign governments within the USSOUTHCOM AOR.

b. In countries within USSOUTHCOM AOR, U.S. Defense Representatives, as representatives of the DCO, para 5a (8) of reference 2d, perform the duties of U.S. Country Representative in connection with the exercise of criminal jurisdiction over U.S. personnel by foreign authorities. U.S. Defense Representatives will coordinate with and submit administrative reports to the DCO as required.

c. In accordance with para 1-6 of reference 2b, the DCO shall ensure a study of the laws and legal procedures is in effect in each country within the USSOUTHCOM AOR within which U.S. forces are routinely subject to the criminal jurisdiction of foreign authorities. To be kept current, the studies shall be updated periodically. A copy of each study will be provided to USSOUTHCOM Staff Judge Advocate (SCSJA).

d. Whenever a U.S. Defense Representative expects foreign authorities will exercise criminal jurisdiction over U.S. military, DOD civilian personnel, or their dependents, he/she will without delay:

- (1) Notify the Chief of the Diplomatic Mission,
- (2) Report by fastest electronic means to DCO, USARSO and SCSJA,
- (3) Obtain legal guidance from the SJA of the DCO in coordination with SCSJA.

5. REPORTS/DIRECTIVES. A copy of each of the following will be submitted by the DCO to SCSJA.

a. Directives issued by the DCO applicable to all DOD personnel within the USSOUTHCOM AOR.

b. A copy of each Trial Observer Report as required by page 4 para d7 of reference 2a, and paras 1-8, 4-3c, and 4-6 of reference 2b, in which the trial observer concludes that procedural safeguards secured by applicable status of forces agreements were violated or that the accused did not receive a fair trial under all the circumstances.

c. A copy of each report of visit to a confined person as required by para 10b of reference 2a, and para 4-3d and 4-7 of reference 2b, in which conditions are in violation of international agreements, treatment of U.S. personnel is unfair, or U.S. personnel are not otherwise afforded the required rights, privileges, and protections.

d. A copy of each annual report on the exercise of foreign jurisdiction as required by page 8, para e(1) of reference 2a, and paras 4-3a and 4-4 of reference 2b.


- e. A copy of each quarterly confinement report required by para 4-3b and 4-5 of reference 2b.
 - f. A timely report of serious or unusual incidents as contemplated by para 4-8 of reference 2b.
 - g. Copies of all reports sent to the local U.S. Embassy that relate to the exercise of foreign criminal jurisdiction over U.S. personnel entitled to protection under reference 2b.
6. The final decision whether to request formal State Department action through diplomatic channels in an effort to obtain a waiver or relinquishment of criminal jurisdiction is reserved in all cases to the DCO. Such requests will be coordinated with SCSJA.

The proponent agency of this regulation is U.S. Southern Command. Users are invited to send comments and suggested improvements directly to HQ USSOUTHCOM, ATTN: SCSJA, 3511 NW 91st Avenue, Miami, Florida 33172

SCSJA

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